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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,047	05/30/2001	Junji Kato	SONYJP 3.0-179	6729
530	7590	06/28/2004	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			DU, THUAN N	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,047

Applicant(s)

KATO, JUNJI

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001 and 20 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Preliminary Amendment (dated 8/20/01), Foreign Priority Document (dated 10/01/01).
2. Claims 1-23 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClennon et al. [McClennon] (U.S. Patent No. 6,721, 355) and Kuemerle (U.S. Patent No. 6,457,131).
5. Regarding claims 1 and 11, McClennon teaches a method for controlling power of a device (modem) connected to a predetermined network, comprising the steps of:

controlling a first power mode (quiescent mode) for executing a communication process in a synchronous communication mode [col. 7, lines 33-39; col. 8, lines 20-31]; and

controlling a second power mode (full power mode) for executing a communication process in an asynchronous communication mode [col. 7, lines 33-39; col. 8, lines 20-31].

McClennon does not explicitly teach the first and second power supplies are controlled based on the communication mode.

Kuemerle teaches a method for controlling power of a plurality of execution units wherein the pluralities of power supplies are independently selectable for powering the selected execution unit(s) [abstract; col. 6, lines 55-57].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McClennon to control the first and second execution units for executing the communication process in a synchronous communication mode and the communication process in an asynchronous communication mode independently as taught by Kuemerle. The modification it would reduce the power consumption of the device because it would allow only the needed execution unit to be powered up.

6. Regarding claims 2, 3 and 12, Kuemerle teaches that the plurality of power supplies are controlled depends on the communication mode [col. 6, lines 55-57].

7. Regarding claims 4-8, McClennon teaches that the predetermined network includes a bus line on which both data in the asynchronous communication mode and data in the synchronous communication mode are transmitted [Figs. 2, 3], and both of the communication data coexist on the bus line [Fig. 2; col. 6, line 52 to col. 7, line 3].

8. Regarding claims 9-10, these claims are directed to method steps for controlling power supplies of the device connected to predetermined network of claim 1. As stated above, McClennon and Kuemerle teach the invention substantially as set forth in claim 1. At the time of the invention, one of ordinary skill in the art would have readily recognized that McClennon and Kuemerle may obviously also teach the method steps of claim 1 as set forth in claims 9-10. As such, claims 9-10 are rejected under the same rationale with respect to claim 1.

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9. Regarding claims 13-23, McClennon and Kuemerle together teach the claimed method steps. Therefore, McClennon and Kuemerle together teach the apparatus to implement the claimed method steps.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.



Thuan N. Du
June 23, 2004